

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Apr 16, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kelly Gordon Dupuis Case Number: 0980 2:19CR00208-SAB-1

Address of Offender: Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, U.S. District Judge
Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: September 2, 2016

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 60 months Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: David Michael Herzog Date Supervision Commenced: June 27, 2019

Defense Attorney: Federal Defenders Office Date Supervision Expires: June 26, 2024

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/13/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<p><u>Mandatory Condition #3:</u> The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</p> <p><u>Supporting Evidence:</u> It is alleged that Mr. Dupuis is in violation of his conditions of supervised release for being in possession of methamphetamine on April 13, 2021.</p> <p>On June 27, 2019, the undersigned officer and Mr. Dupuis reviewed his conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.</p> <p>On April 13, 2021, the undersigned officer conducted a search of Mr. Dupuis' residence, based on reasonable suspicion Mr. Dupuis was in possession of illegal controlled substances. Located underneath the mattress in the bedroom, was a glass vile with a white crystal-like substance, which later field-tested presumptive positive for the presence of methamphetamine, using a NIK test kit.</p>

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4 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: It is alleged that Mr. Dupuis is in violation of his conditions of supervised release for being in possession of heroin on April 13, 2021.

On June 27, 2019, the undersigned officer and Mr. Dupuis reviewed his conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On April 13, 2021, the undersigned officer conducted a search of Mr. Dupuis' residence, based on reasonable suspicion Mr. Dupuis was in possession of illegal controlled substances. Located underneath the box frame in the bedroom, the undersigned officer located a black box. Contained inside that black box was a pill bottle. In the pill bottle was a baggie with a brown substance inside. The brown substance field-tested presumptive positive for heroin using a NIK test kit.

5 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence It is alleged that Mr. Dupuis is in violation of his conditions of supervised release for being in possession of cocaine on April 13, 2021.

On June 27, 2019, the undersigned officer and Mr. Dupuis reviewed his conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On April 13, 2021, the undersigned officer conducted a search of Mr. Dupuis' residence, based on reasonable suspicion Mr. Dupuis was in possession of illegal controlled substances. Located underneath the box frame in the bedroom, the undersigned officer located a black box. Contained inside that black box was a pill bottle. In the pill bottle was a baggie with a white powdery substance. The white powdery substance field-tested presumptive positive for cocaine, using the NIK test kit.

6 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court

Supporting Evidence It is alleged that Mr. Dupuis is in violation of his conditions of supervised release for being in possession of suboxone on April 13, 2021, without a valid prescription. Suboxone is a schedule III controlled substance.

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On June 27, 2019, the undersigned officer and Mr. Dupuis reviewed his conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On April 13, 2021, the undersigned officer conducted a search of Mr. Dupuis' residence, based on reasonable suspicion Mr. Dupuis was in possession of illegal controlled substances. The undersigned officer located eight strips of suboxone located in Mr. Dupuis' wallet. The wallet was located in a dresser, which also contained Mr. Dupuis' identification and debit/credit cards. The suboxone was in its original packaging, and according to www.drugs.com, suboxone is a scheduled III controlled substance. Mr. Dupuis does not have a valid prescription for suboxone.

- 7 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence It is alleged that Mr. Dupuis is in violation of his conditions of supervised release for being in possession of oxycodone hydrochloride on April 13, 2021.

On June 27, 2019, the undersigned officer and Mr. Dupuis reviewed his conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On April 13, 2021, the undersigned officer conducted a search of Mr. Dupuis' residence, based on reasonable suspicion Mr. Dupuis was in possession of illegal controlled substances. A U.S. probation officer located a clear bottle that contained 17 pills with the imprint "M" and "30" on them. The clear bottle with the pills was located on a shelf in plain view. According to www.drugs.com, the pills were identified as oxycodone hydrochloride, a schedule II controlled substance. Mr. Dupuis could not supply a valid prescription, nor were the pills in an appropriate pill bottle supplied by a doctor.

- 8 **Mandatory Condition #4:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon

Supporting Evidence: It is alleged Mr. Dupuis is in violation of his conditions of his supervision for being in possession of a Taser and brass knuckles on April 13, 2021.

On June 27, 2019, the undersigned officer and Mr. Dupuis reviewed his conditions of supervision. He signed his judgment acknowledging an understanding of his conditions of supervision.

On April 13, 2021, the undersigned officer conducted a search of Mr. Dupuis' residence, based on reasonable suspicion Mr. Dupuis was in possession of illegal controlled substances. The undersigned officer located a working Taser on Mr. Dupuis' night stand. In addition, officers also located two sets of brass knuckles. These items are used to cause bodily injury.

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/15/2021

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

4/16/2021

Date